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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

LOPEZ TAX SERVICE, INC., et al.,

Plaintiffs,

VS.

THE INCOME TAX SCHOOL, INC.,

Defendant.

Case No.: CV12-02654-JSW

STIPULATION AND [PROPOSED] ORDER RE CONSOLIDATION AND DISMISSAL

[Civ. L.R. 7-12]

1 Pursuant to Civ. L.R. 7-12, Plaintiffs LOPEZ TAX SERVICE, INC., CARLOS C. LOPEZ,
2 KRISTEENA S. LOPEZ and LATINO TAX PROFESSIONALS ASSOCIATION, LLC,
3 (collectively “Lopez”) and Defendant THE INCOME TAX SCHOOL, INC. (“ITS”) hereby stipulate
4 and agree to the following subject to the approval of the Court:

5 WHEREAS, the above-captioned lawsuit (“*Lopez* suit”) and the action captioned: *The*
6 *Income Tax School, Inc. v. Lopez Tax Service, Inc., et al.*, United States District Court, Northern
7 District of California, Oakland Division, Case No. CV12-4181-JSW (“*ITS* suit”) were previously
8 deemed related to one another by this Court’s Order entered August 22, 2012 [Docket No. 26]; and

9 WHEREAS, the *Lopez* suit and *ITS* suit involve common questions of law and fact within the
10 meaning of Fed. R. Civ. P. 42; and

11 WHEREAS, Lopez and ITS have come to agreements concerning ITS’ pending motion to
12 dismiss the Complaint filed in the *Lopez* suit, and concerning the responsive pleadings to be filed in
13 the *Lopez* and *ITS* suits;

14 NOW THEREFORE, subject to the approval of the Court Lopez and ITS agree to the
15 following:

16 1. The *Lopez* suit and the *ITS* suit, previously deemed related to one another by this
17 Court’s Order entered August 22, 2012 [Docket No. 26], shall be and hereby are consolidated
18 pursuant to Fed. R. Civ. P. 42, with the case number of the *Lopez* suit (No. CV12-02654-JSW) as the
19 lead case number for the consolidated action.

20 2. The presently-pending motion [Docket No. 8] by ITS to dismiss, transfer or stay the
21 first claim for declaratory relief re copyright infringement filed in the *Lopez* suit’s Complaint is
22 denied.

23 3. The presently-pending motion [Docket No. 8] by ITS to dismiss, transfer or stay the
24 second claim for declaratory relief re disparagement filed in the *Lopez* suit’s Complaint is deemed
25 withdrawn without prejudice.

26 4. Lopez’ second claim for declaratory relief re disparagement in its Complaint [Docket
27 No. 1] filed in the *Lopez* suit is dismissed without prejudice.

1 5. ITS shall file its answer and any other pleadings it deems necessary in response to the
2 Complaint filed in the *Lopez* suit not later than October 17, 2012.

3 6. Defendant Latino Tax Professionals Association, LLC (the sole remaining *ITS* suit
4 defendant) shall file its answer and any other pleadings it deems necessary in response to the
5 Complaint filed in the *ITS* suit not later than October 17, 2012.

6
7 Dated: October 2, 2012

GAUNTLETT & ASSOCIATES

8 By: /s/ Andrew M. Sussman

9 David A. Gauntlett
James A. Lowe
Andrew M. Sussman

10
11 Attorneys for Plaintiffs
Lopez Tax Service, Inc., Carlos C. Lopez,
12 Kristeena S. Lopez, and Latino Tax Professionals
Association, LLC

13
14 Dated: October 2, 2012

Nicholas Ranallo, Attorney at Law

15 By: /s/ Nicholas Ranallo

Nicholas Ranallo

16 Christopher E. Gatewood [*Pro Hac Vice Pending*]
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20 Attorneys for Defendant
The Income Tax School, Inc.

21
22
23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 Dated: _____

UNITED STATES DISTRICT JUDGE